

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RUSSEL DOVER *et al.*,

Plaintiffs,

-against-

ORDER
12 CV 5567 (RJD) (CLP)

BRITISH AIRWAYS, PLC (UK),

Defendant.

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POLLAK, United States Magistrate Judge:

On May 29, 2018, the Court granted preliminary approval of the proposed settlement in this class action alleging that defendant British Airways, PLC (UK) (“BA”) breached its frequent flyer contract by imposing impermissible fuel surcharges on frequent flyer reward flights. See generally Dover v. British Airways, PLC (UK), No. 12 CV 5567, 2018 WL 2411220 (E.D.N.Y. May 29, 2018), ECF No. 307. In granting preliminary approval, the Court directed that class members file any objections to the settlement by July 6, 2018, and that plaintiffs file an omnibus response by July 20, 2018. Id. at *10-11. To date, the Court has received two objections.

The first, from class member Joshua A. Sauberman, objects to the proposed settlement on four grounds: (1) sufficiency of the e-mail notice; (2) BA’s failure to disclose forthcoming changes to its Avios rewards program that “will drastically reduce the value of” the settlement to class members who choose the Avios option; (3) the lack of injunctive or other prospective relief; and (4) the difficulty of the process for submitting an objection. (See Sauberman Letter at 1, July 6, 2018, ECF No. 311). Mr. Sauberman also asks to appear *pro se* at the July 27, 2018 Final Approval Hearing to present his objections to the Court. (Id.)

In the second objection, Robin Weiss, whom the Settlement Administrator has identified as a member of the class, and her husband Stephen Weiss, who has not been designated as a

member of the class, object to the proposed settlement on two grounds: (1) the settlement fails to account for individuals who have both individual and household accounts; and (2) the Settlement Administrator has been insufficiently responsive to inquiries from class members and has failed to explain why it has treated class members with household accounts differently. (See Weiss Letter at 1, July 6, 2018, ECF No. 312). Mr. and Mrs. Weiss do not intend to appear and speak at the Final Approval Hearing, but remain free to seek leave to do so.

Having reviewed the objections, the Court ORDERS that, in addition to plaintiffs' omnibus response due on July 20, 2018, plaintiffs and the defendant shall separately file letter briefs addressing the specific concerns raised in the aforementioned objections by July 17, 2018. Moreover, counsel should be prepared to address the objections at the hearing scheduled for July 27, 2018.

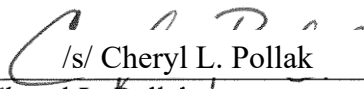
It is further ORDERED that Mr. Sauberman's request to appear *pro se* at the Final Approval Hearing to address the Court is GRANTED.

It is further ORDERED that the parties shall redact from each objection account numbers and any information required to be redacted by Fed. R. Civ. P. 5.2(a), and then shall make the objections and a copy of this Order available on the website established for purposes of this litigation.

The Clerk is directed to send copies of this Order to the Objectors by mail and to the parties either electronically through the Electronic Case Filing (ECF) system or by mail.

SO ORDERED.

Dated: Brooklyn, New York
July 10, 2018



/s/ Cheryl L. Pollak
Cheryl L. Pollak
United States Magistrate Judge
Eastern District of New York